

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

**FEB 28 2006**

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY BS DEPUTY

JACOB I. PETKER,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

No. CIV-05-600-W

**ORDER**

On February 7, 2006, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that this Court reverse the decision of the defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff Jacob I. Petker disability insurance benefits and supplemental security income and remand the matter for further administrative proceedings. The parties were advised of their right to object to the Report and Recommendation, but neither party has objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Couch. Such actions will afford the administrative law judge the opportunity to reconsider inter alia Petker's documented life-long mental impairments at step two of the five-step sequential evaluation process required by 20 C.F.R. § 404.1520 and 20 C.F.R. § 416.920 and in formulating Petker's residual functional capacity. These actions likewise give the administrative law judge the opportunity to reconsider the opinion of Captain Susan J. Lee, a family nurse practitioner,

and to determine the weight to be afforded her opinion.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on February 27, 2006;

(2) REVERSES the Commissioner's decision to deny Petker's Application for Disability Insurance Benefits and his Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with Magistrate Judge Couch's Report and Recommendation and this Order; and

(4) ORDERS that judgment issue forthwith.

ENTERED this 28<sup>th</sup> day of February, 2006.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE